

FILED

AUG 17 2010

**EUGENE R. WEDOFF,
BANKRUPTCY JUDGE**

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:

WALTER A. RADLOFF, III and
KATHY H. POWELL,

DebtorS.

Case No. 06 B 05863

Chapter 7

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN SUPPORT OF ORDER ALLOWING JENNER
& BLOCK LLP, COUNSEL FOR CHAPTER 7 TRUSTEE RONALD R. PETERSON, FINAL
COMPENSATION AND REIMBURSEMENT OF EXPENSES**

TOTAL FEES REQUESTED:	\$11,983.00	TOTAL COSTS REQUESTED:	\$628.42
TOTAL FEES REDUCED:	\$276.45	TOTAL COSTS REDUCED:	\$40.27
TOTAL FEES ALLOWED:	\$11,706.55	TOTAL COSTS ALLOWED:	\$588.15

TOTAL FEES AND COSTS ALLOWED: \$12,294.70

The attached time and expense entries are marked to indicate those disallowed in whole or in part. The basis for each disallowance is disclosed by the numerical notation that appears on the right side of each underlined entry. The numerical notations refer to the enumerated paragraphs below.

(4) Insufficient Description

The Court denies the allowance of compensation for the following task since the description of the time entry fails to identify in a reasonable manner the service rendered. *In re Pettibone*, 74 B.R. 293, 301 (Bankr. N.D. Ill. 1987) ("A proper fee application must list each activity, its date, the attorney who performed the work, a description of the nature and substance of the work performed, and the time spent on the work. [Citation omitted] Records which give no explanation of the activities performed are not compensable."); *In re Wildman*, 72 B.R. 700, 708-9 (Bankr. N.D. Ill. 1987) (same).

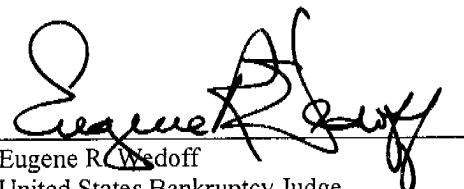
(7) Lumping

The Court may impose a ten percent penalty for "lumping." *In re Wildman*, 72 B.R. 700, 709 (Bankr. N.D. Ill. 1987) ("Applicants may not circumvent the minimum time requirement or any of the requirements of detail by "lumping" a bunch of activities into a single entry. [citation omitted]. Each type of service should be listed with the corresponding specific time allotment.").

(11) Overhead Costs are Non-Compensable

The Court denies reimbursement for fees or expenses that are overhead costs. Expenses which are overhead are not compensable because they are built into the hourly rate. *See In re Wildman*, 72 B.R. 700, 731 (Bankr. N.D. Ill. 1987). Overhead, for bankruptcy purposes, includes "all continuous administrative or general costs or expenses incident to the operation of the firm which cannot be attributed to a particular client or cost." *In re Convent Guardian Corp.*, 103 B.R. 937, 939-40 (Bankr. N.D. Ill. 1989) (quoting *In re Thacker*, 48 B.R. 161, 164 (Bankr. N.D. Ill. 1985)).

Dated: August 17, 2010


Eugene R. Wedoff
United States Bankruptcy Judge

ATTORNEY TIME

WALTER A. RADLOFF, III AND KATHY H. POWELL
CASE NO. 06-05863

11/09/06	EAKX	.20	Office conference with R. Peterson re letter to K. Powell re inheritance.	46.00
11/09/06	EAKX	.70	Drafted letter to K. Powell re inheritance.	161.00
11/10/06	EAKX	.50	Revised letter to K. Powell re inheritance; office conference with R. Peterson re same.	115.00
12/04/06	EAKX	.30	Office conference with R. Peterson re status of case; reviewed will sent over by K. Powell, debtor.	69.00
12/12/06	EAKX	.60	Reviewed K. Powell mother's will and drafted letter to her attorney re same.	138.00
12/13/06	EAKX	.10	Drafted letter to K. Powell's attorney re inheritance.	23.00
2/09/07	EAKX	.50	Drafted letter to K. Powell's attorney re inheritance.	150.00
2/09/07	EAKX	.20	Telephone conference with R. Peterson re case.	60.00
6/27/07	LTY	.30	Reviewed and readied motion to employ A. Lasko for ECF filing and e-filed same.	70.50
6/27/07	MJK	1.30	Drafted motion to retain accountant; conference with R. Peterson re same; worked on tasks related to filing motion.	357.50 ⑦ -10% -35.75
7/18/07	MJK	1.40	Prepared for and attended hearing to retain accountant; telephone call to accountant re retention; conference with R. Peterson re accountant's role in case; reviewed and organized correspondence.	385.00 ⑦ -10% -38.50
7/20/07	MJK	.80	Gathered and sent information requested by accountant for the estate; conference with R. Peterson re accountant's responsibilities.	220.00 ⑦ -10% -22.00
7/23/07	MJK	.50	Telephone conference with accountant re his role in the case.	137.50
11/01/07	MJK	1.00	Drafted motion for authorization to distribute IRA account proceeds.	275.00
11/02/07	MJK	.50	Drafted motion for authorization to distribute proceeds of IRA account.	137.50

11/08/07	MJK	.10	Reviewed conflicts check.	27.50
11/12/07	MJK	2.80	Drafted motion to authorize Merrill Lynch to transfer IRA to Trustee; conference with R. Peterson re same.	770.00
11/13/07	LTJ	.80	Prepared notice of motion and certificate of service; reviewed motion to authorize turnover of property to the estate and readied same for ECF filing; e-filed same.	188.00
11/13/07	MJK	.20	Filed motion to authorize Merrill Lynch to distribute IRA proceeds to Trustee.	55.00
11/20/07	MJK	.50	Prepared motion to retain M. Kelly as Trustee's counsel.	137.50
11/21/07	MJM	.40	Prepared and filed motion to retain counsel.	94.00
11/27/07	MJK	1.60	Conference with R. Peterson re hearing on Merrill Lynch motion; attended hearing; began drafting amended motion to retain. ⑦ -1070 -44.00	440.00
11/29/07	MJK	.30	Drafted letter to Merrill Lynch re entry of order authorizing Merrill Lynch to pay IRA proceeds to the Trustee.	82.50
12/04/07	MJK	1.60	Attended hearing to retain Trustee's attorney; telephone conference with Merrill Lynch re payment of IRA proceeds; conference with R. Peterson and A. Lasko re Merrill Lynch payment of IRA and tax consequences. ⑦ -1070 -44.00	440.00
12/11/07	MJK	.30	Follow-up telephone conference with Merrill Lynch re IRA.	82.50
12/19/07	MJK	.30	Responded to Merrill Lynch's message re IRA.	82.50
12/20/07	MJK	.20	Conference with R. Peterson re Merrill Lynch IRA distribution.	55.00
12/27/07	MJK	.30	Drafted letter to Merrill Lynch accompanying return of check.	82.50
2/07/08	MJK	.40	Drafted motion to allow MetLife to pay mother's annuity to estate.	140.00
2/08/08	MJK	.30	Drafted motion to approve MetLife annuity payment to Trustee.	105.00
2/12/08	MJM	.30	Drafted notice of motion and service list.	78.00

2/12/08	MHM	.30	Worked on filing of motion to enforce turnover.	78.00
2/12/08	MJK	.70	Filed motion re approval of MetLife payment of annuity to Trustee; conference with MetLife re same.	245.00
2/13/08	MHM	.50	Prepared notice of motion and fee application for filing.	130.00
2/13/08	MJK	.50	Filed A. Lasko fee application.	175.00
2/18/08	MJK	.20	Conference with R. Peterson re A. Lasko fee application.	70.00
2/20/08	MJK	1.00	Prepared for and attended hearing on MetLife annuity and A. Lasko's fees.	350.00
2/22/08	MJK	.30	Drafted cover letter; sent order to MetLife.	105.00
2/28/08	MJK	.50	Conference with MetLife re annuity payout.	175.00
11/17/08	MJK	.30	Reviewed motion to disallow claims.	105.00
11/17/08	AMA	3.20	Reviewed claims (.5); office conference with R. Peterson re same (.2); drafted claim objection (2.5).	1,040.00
11/18/08	MHM	.40	Drafted exhibit for objection to claims of S. Powell.	104.00
11/18/08	MHM	.70	Reviewed Judge's schedule, revised notice and service list and filed objection to claims of S. Powell.	182.00
11/18/08	AMA	1.00	Revised claim objection (.5); office conference with R. Peterson re same (.2); prepared for filing (.3).	325.00
12/17/08	AMA	1.10	Reviewed response to claim objection and attached documentation (.7); researched re domestic support obligation (.4).	357.50
12/18/08	AMA	1.60	Reviewed documents provided by claimant re domestic support obligation (.3); office conference with R. Peterson re same (.2); drafted letter to claimant re same (.6); drafted proposed order (.5).	520.00
12/19/08	MJK	.10	Revised objection to claim.	35.00
12/19/08	AMA	.40	Conference with M. Kelly re letter to claimant (.2); revised same (.2).	130.00

⑦ -1040 -18.20

12/23/08	AMA	.20	Telephone conference with S. Powell re claim objection.	65.00
12/30/08	AMA	.90	Prepared for and attended court hearing re claim objection (.7); office conference with R. Peterson re distributions (.1); conference with S. Powell re same (.1).	292.50
2/11/10	AMA	.40	Conference with R. Peterson re I.R.S. resolution (.2); conference with A. Lasko re same (.1); email re final report (.1).	148.00
3/02/10	AMA	.40	Conference with R. Peterson re claim of Steven Powell (.3); <u>left message re same (.1).</u> (4)	148.00 --37.00
3/03/10	AMA	.40	Conference with R. Peterson re claim of Steven Powell (.3); <u>left message re same (.1).</u> (4)	148.00 -37.00
3/05/10	AMA	.50	Conference with S. Powell re claims (.2); researched Jenner document management system and bankruptcy rules re same (.3).	185.00
3/09/10	AMA	.90	Reviewed PACER re claim of Steven Powell (.3); conference with R. Peterson re same (.1); began drafting objection to claim (.5).	333.00
3/10/10	AMA	2.00	Continued drafting and revising objection to S. Powell claims and prepared filing of same.	740.00
3/11/10	AMA	.50	Reviewed, revised and prepared for filing objection to S. Powell claims.	185.00
3/24/10	AMA	.20	Conference with S. Powell re claim objection.	74.00
4/14/10	AMA	.90	Attended court re objection to claim.	333.00
		39.40	PROFESSIONAL SERVICES	11,983.00

ATTORNEY DISBURSEMENTS

**WALTER A. RADLOFF, III AND KATHY H. POWELL
CASE NO. 06-05863**

DISBURSEMENTS

6/27/07	Postage Expense	74.25	
6/29/07	Telephone Expense	.10	
11/13/07	Postage Expense	109.44	
11/19/07	Photocopy Expense	.44	
11/21/07	Postage Expense	109.44	
11/29/07	Photocopy Expense	.99	
11/30/07	Westlaw Research	40.27	(11) -40.27
12/27/07	Photocopy Expense	.88	
12/27/07	UPS Tracking #1Z6134380295979669 - Invoice #00000613438018	5.43	
2/12/08	Postage Expense	3.60	
2/13/08	Postage Expense	159.14	
2/13/08	Photocopy Expense	123.60	
4/04/08	Pacer Service Center Charges - 4/4/2008	.24	
9/16/08	Photocopy Expense	.60	
	TOTAL DISBURSEMENTS	628.42	